

Notice of Non-Compliant Amendment (37 CFR 1.121)

Application No.

10/510,107

Examiner

Robert T. Crow

Applicant(s)

OLSSON ET AL.

Art Unit

1634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 19 June 2008 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
 - ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____.
- ☐ 2. Abstract:
 - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☐ 3. Amendments to the drawings:
 - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____.
- ☒ 4. Amendments to the claims:
 - ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims).
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: See Continuation Sheet.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

/Robert T. Crow/
Examiner, Art Unit 1634

Continuation of 4(e) Other: 1.As indicated in the Advisory Action mailed 25 April 2008, the after-final amendments to the claims filed 10 April 2008 were entered. Applicant subsequently filed a Request for Continued Examination, including amendments to the claims, on 3 June 2008. However, the amendments to the claims filed 3 June 2008 are non-compliant because of the following:

- A. Applicant has deleted the word "thereafter" in line 11 of step C of claim 1 but has not struck through the word or placed the word in double brackets.
- B. Applicant has underlined the phrases "determining the type of nucleotide added to the primer" in lines 11-12 of step C of claim 1, but the text was already entered in the After Final Amendment of 10 April 2008.
- C. Applicant has deleted the word "thereafter" in line 13 of step C of claim 1 but has not struck through the word or placed the word in double brackets.
- D. Applicant has underlined the phrases "neutralizing the label by adding a label-interacting agent of by bleaching" in lines 13-14 of step C of claim 1, but the text was already entered in the After Final Amendment of 10 April 2008.
- E. Applicant has underlined the text "; and" at the end of step C of claim 1, but the text was already entered in the After Final Amendment of 10 April 2008.
- F. Applicant has struck through the entire text of step D of claim 1, but the text was already deleted in the After Final Amendment of 10 April 2008.
- G. Applicant's amendments to step E of claim 1 were already entered in the After Final Amendment of 10 April 2008.
- H. Applicant's deletion of "(b)" in line 5 of claim 5 was already entered in the After Final Amendment of 10 April 2008.
- I. Applicant's amendments to claim 16 were already entered in the After Final Amendment of 10 April 2008.

Thus, for the reasons listed above, the amendments to the claims filed 3 June 2008 are non-compliant and have not been entered.

2. Since Applicant's amendments filed 3 June 2008 have not been entered as a result of being non-compliant, the supplemental amendments filed 19 June 2008 have not been entered because the supplemental amendments of 19 June 2008 are based on the non-compliant amendments 3 June 2008

3. It is noted that the last set of claims that was entered was filed with the After-Final Amendment of 10 April 2008. Thus, any new amendments in response to this Notice of Non-Compliant Amendment should be based on the claim set filed 10 April 2008 and entered into the record with the Advisory Action of 25 April 2008. .